

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES – GENERAL

Case No. SA CV 18-0709-DOC (PJWx)

Date: May 2, 2018

Title: TUSTIN GATEWAY, L.P. V. MAKI-ZUSHI, INC. ET AL

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Deborah Lewman
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR
DEFENDANT:
None Present

**PROCEEDINGS (IN CHAMBERS): AMENDED ORDER TO SHOW CAUSE WHY
THIS CASE SHOULD NOT BE REMANDED
FOR LACK OF SUBJECT MATTER
JURISDICTION [6] [7]**

Before the Court are Plaintiff Tustin Gateway, L.P.'s Motion to Remand (Dkt. 6) and Ex Parte Application to Shorten Time on Motion to Remand (Dkt. 7). Plaintiff argues that:

there are no pleadings in the removal documents that allow for removal or consideration that there is any viable federal question in issue. This is a simple Unlawful Detainer action for non-payment of rent. A defendant generally may not create removal jurisdiction based upon her possible counterclaims or cross complaints. A defendant may not remove a case to Federal Court unless the Plaintiff's complaint establishes that the case arises under "Federal Law" . . . a case may not be removed to Federal Court on the basis of a Federal Defense . . . Additionally, since this case was served, at least 30 days have passed thus invalidating this Removal.

Motion to Remand at 7. Accordingly, the Court ORDERS Defendant Sung Kim TO SHOW CAUSE in writing, **on or before May 7, 2018** why the Court should not remand this case for lack of subject matter jurisdiction. If no response is filed by the date, the Court will remand this case for lack of subject matter jurisdiction.

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The Clerk shall serve this minute order on the parties.

MINUTES FORM 11
CIVIL-GEN

Initials of Deputy Clerk: djl